

E AND R AMENDMENTS TO LB 482

Introduced by Enrollment and Review Committee: McGill, 26,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Sections 1 to 5 of this act shall be known and  
4 may be cited as the Autism Treatment Program Act.

5           Sec. 2. The purposes of the Autism Treatment Program Act  
6 are to (1) create the Autism Treatment Program administered by the  
7 Center for Autism Spectrum Disorders at the University of Nebraska  
8 Medical Center and (2) provide for the development of a waiver or  
9 an amendment to an existing waiver under the medical assistance  
10 program established in section 68-903.

11           Sec. 3. The Autism Treatment Program is created. The  
12 program shall be administered by the Center for Autism Spectrum  
13 Disorders at the University of Nebraska Medical Center. The program  
14 shall provide or coordinate the provision of statewide intensive  
15 early intervention services based on behavioral principles for  
16 children with a medical diagnosis of an autism spectrum disorder  
17 or an educational verification of autism. The program shall utilize  
18 private funds and funds transferred by the Legislature from the  
19 Nebraska Health Care Cash Fund to the Autism Treatment Program  
20 Cash Fund. Transfers from the Nebraska Health Care Cash Fund in  
21 any fiscal year shall be contingent upon the receipt of private  
22 matching funds for such program, with no less than one dollar of  
23 private funds received for every two dollars transferred from the

1 Nebraska Health Care Cash Fund.

2           Sec. 4. The Autism Treatment Program Cash Fund is  
3 created. The fund shall include revenue transferred from the  
4 Nebraska Health Care Cash Fund and revenue received from gifts,  
5 grants, bequests, donations, or other contributions from public or  
6 private sources. The Autism Treatment Program Cash Fund shall be  
7 administered by the Center for Autism Spectrum Disorders at the  
8 University of Nebraska Medical Center for purposes of the Autism  
9 Treatment Program created in section 3 of this act. Any money in  
10 the fund available for investment shall be invested by the state  
11 investment officer pursuant to the Nebraska Capital Expansion Act  
12 and the Nebraska State Funds Investment Act.

13           Sec. 5. (1) The Department of Health and Human Services  
14 shall apply for a waiver or an amendment to an existing waiver  
15 under the medical assistance program established in section 68-903  
16 for the purpose of providing medical assistance for intensive  
17 early intervention services based on behavioral principles for  
18 children with a medical diagnosis of an autism spectrum disorder  
19 or an educational verification of autism. Such waiver shall not be  
20 construed to create an entitlement to services provided under such  
21 waiver.

22           (2) It is the intent of the Legislature that such  
23 waiver (a) require means testing for and cost-sharing by recipient  
24 families, (b) limit eligibility only to children for whom such  
25 services have been initiated prior to the age of nine years,  
26 (c) limit the number of children served according to available  
27 funding, (d) require demonstrated progress toward the attainment

1 of treatment goals as a condition for continued receipt of medical  
2 assistance benefits for such treatment, (e) be developed in  
3 consultation with the Health and Human Services Committee of  
4 the Legislature and the federal Centers for Medicare and Medicaid  
5 Services and with the input of parents and families of children  
6 with autism spectrum disorders and organizations advocating on  
7 behalf of such persons, and (f) be submitted to the federal Centers  
8 for Medicare and Medicaid Services as soon as practicable, but no  
9 later than July 1, 2008.

10           Sec. 6. Section 71-7611, Revised Statutes Cumulative  
11 Supplement, 2006, is amended to read:

12           71-7611 (1) The Nebraska Health Care Cash Fund is  
13 created. The State Treasurer shall transfer ~~fifty-two~~ fifty-five  
14 million dollars annually no later than July 15 from the Nebraska  
15 Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco  
16 Settlement Trust Fund to the Nebraska Health Care Cash Fund.  
17 The state investment officer upon consultation with the Nebraska  
18 Investment Council shall advise the State Treasurer on the amounts  
19 to be transferred from the Nebraska Medicaid Intergovernmental  
20 Trust Fund and from the Nebraska Tobacco Settlement Trust  
21 Fund under this section in order to sustain such transfers in  
22 perpetuity. The state investment officer shall report to the  
23 Legislature on or before October 1 of every even-numbered year on  
24 the sustainability of such transfers.

25           (2) Any money in the Nebraska Health Care Cash Fund  
26 available for investment shall be invested by the state investment  
27 officer pursuant to the Nebraska Capital Expansion Act and the

1 Nebraska State Funds Investment Act.

2           (3) One million dollars in the Nebraska Health Care Cash  
3 Fund is designated for the Autism Treatment Program Act for five  
4 fiscal years beginning in fiscal year 2007-08. The distribution  
5 of the one million dollars shall be as follows: (a) First, to  
6 the Department of Health and Human Services for costs related to  
7 application and implementation of the waiver; (b) second, to the  
8 department for other medical costs for children who would not  
9 otherwise qualify for medicaid except for the waiver; and (c)  
10 third, the balance to the Autism Treatment Program Cash Fund. The  
11 State Treasurer shall transfer the balance of the funding to the  
12 Autism Treatment Program Cash Fund based on the estimated costs  
13 of administrative and other medical costs as determined by the  
14 Legislature through the appropriation process. The transfers to  
15 the Autism Treatment Program Cash Fund in any fiscal year shall  
16 be contingent upon the receipt of private matching funds under  
17 the Autism Treatment Program Act, with no less than one dollar of  
18 private funds received for every two dollars transferred from the  
19 Nebraska Health Care Cash Fund to the Autism Treatment Program Cash  
20 Fund.

21           ~~(3) The State Treasurer shall transfer two million~~  
22 ~~dollars from the Nebraska Health Care Cash Fund to the University~~  
23 ~~of Nebraska Medical Center Designated Cash Fund within fifteen days~~  
24 ~~after July 1, 2005.~~

25           (4) The State Treasurer shall transfer two million  
26 dollars from the Nebraska Health Care Cash Fund to the University  
27 of Nebraska Medical Center Designated Cash Fund within fifteen days

1 ~~after July 1, 2006.~~

2 ~~(5) The State Treasurer shall transfer one million nine~~  
3 ~~hundred thirty-nine thousand eight hundred sixty-three dollars~~  
4 ~~from the Nebraska Health Care Cash Fund to the Nebraska Capital~~  
5 ~~Construction Fund within five days after July 1, 2005.~~

6 ~~(6) The State Treasurer shall transfer seven hundred~~  
7 ~~thousand dollars from the Nebraska Health Care Cash Fund to the~~  
8 ~~Nebraska Capital Construction Fund within five days after July 1,~~  
9 ~~2005.~~

10 ~~(7)~~ (4) The University of Nebraska and postsecondary  
11 educational institutions having colleges of medicine in Nebraska  
12 and their affiliated research hospitals in Nebraska, as a condition  
13 of receiving any funds appropriated or transferred from the  
14 Nebraska Health Care Cash Fund, shall not discriminate against  
15 any person on the basis of sexual orientation.

16 Sec. 7. This act becomes operative on July 1, 2007.

17 Sec. 8. Original section 71-7611, Revised Statutes  
18 Cumulative Supplement, 2006, is repealed.

19 Sec. 9. Since an emergency exists, this act takes effect  
20 when passed and approved according to law.

21 2. On page 1, strike beginning with "the" in line 1  
22 through line 4 and insert "medical assistance; to amend section  
23 71-7611, Revised Statutes Cumulative Supplement, 2006; to adopt  
24 the Autism Treatment Program Act; to change provisions relating  
25 to the Nebraska Health Care Cash Fund regarding the transfer and  
26 distribution of funds; to provide an operative date; to".